

Kaplan, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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In re: LEHMAN BROTHERS SECURITIES AND
ERISA LITIGATION

This document Applies Only to:

Vallejo Sanitation and Flood Control District v. Fuld, et al.

S.D.N.Y. Case No. 1:09-cv-06040-LAK;

Mary A. Zeeb, Monterey County Treasurer, on Behalf of the Monterey County Investment Pool v. Fuld, et al.

S.D.N.Y. Case No. 1:09-cv-01944-LAK;

Contra Costa Water District v. Fuld, et al.
S.D.N.Y. Case No. 1:09-cv-06652-LAK;

City of Burbank v. Fuld, et al.
S.D. N.Y. Case No. 1:09-cv-03475-LAK;

City of San Buenaventura v. Fuld, et al.
S.D.N.Y. Case No. 1:09-cv-03476-LAK;

City of Auburn v. Fuld, et al.
S.D.N.Y. Case No. 1:09-03474-LAK;

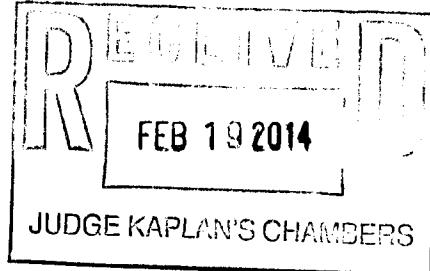
The San Mateo County Investment Pool v. Fuld, et al.
S.D.N.Y. Case No. 1:09-cv-01239-LAK;

Zenith Insurance Company v. Fuld, et al.
S.D.N.Y. Case No. 1:09-cv-01238-LAK

Civil Action No. 09-MD-2017 (LAK)

ECF CASE

STIPULATION OF VOLUNTARY
DISMISSAL



Whereas, these actions were originally filed in the Superior Court of the State of California, in and for the County of San Francisco, captioned *Vallejo Sanitation and Flood Control District v. Fuld, et al.*, CGC-09-488492, *Mary A. Zeeb, Monterey County Treasurer, on Behalf of the Monterey County Investment Pool v. Fuld, et al.*, Case No. CGC-08-482361, *Contra Costa Water District v. Fuld, et al.*, Case No. CGC-09-489381, *City of Burbank v. Fuld, et al.*, Case No. CGC-09-485072, *City of San Buenaventura v. Fuld, et al.*, Case No. CGC-09-485032, *City of Auburn v. Fuld, et al.*, Case No. CGC-09-485137, *The San Mateo County Investment Pool v. Fuld, et al.*, Case No. CGC-08-481841, and *Zenith Insurance Company v. Fuld, et al.*, Case No. CGC-08-482067;

Whereas these actions were removed and transferred to the United States District Court for the Southern District of New York, pursuant to transfer orders from the Judicial Panel on Multidistrict Litigation, in the following captioned actions: *Vallejo Sanitation and Flood Control District v. Fuld, et al.*, S.D.N.Y. Case No. 1:09-cv-06040-LAK, *Mary A. Zeeb, Monterey County Treasurer, on Behalf of the Monterey County Investment Pool v. Fuld, et al.*, S.D.N.Y. Case No. 1:09-cv-01944-LAK, *Contra Costa Water District v. Fuld, et al.*, S.D.N.Y. Case No. 1:09-cv-06652-LAK, *City of Burbank v. Fuld, et al.*, S.D. N.Y. Case No. 1:09-cv-03475-LAK, *City of San Buenaventura v. Fuld, et al.*, S.D.N.Y. Case No. 1:09-cv-03476-LAK, *City of Auburn v. Fuld, et al.*, S.D.N.Y. Case No. 1:09-03474-LAK, *The San Mateo County Investment Pool v. Fuld, et al.*, S.D.N.Y. Case No. 1:09-cv-01239-LAK, and *Zenith Insurance Company v. Fuld, et al.*, S.D.N.Y. Case No. 1:09-cv-01238-LAK, (collectively the "California Actions"). The California Actions were then coordinated with the master MDL case, *In re Lehman Brothers Securities and ERISA Litigation*, Case No. 09-md-02017-LAK, for pretrial proceedings;

Whereas, Amended Complaints were filed in each California Action between August and October of 2011;

Whereas, a Consolidated First Amended Complaint was filed on behalf of all the California Actions on November 29, 2011;

Whereas, on January 6, 2012 defendants Richard S. Fuld, Jr., Kathleen Fuld, Christopher M. O'Meara, Erin Callan, Ian Lowitt, John F. Akers, Roger S. Berlind, Marsha Johnson Evans, Roland A. Hernandez, Joseph M. Gregory and Henry Kaufman (collectively the "Individual Defendants") filed a motion seeking to dismiss the Consolidated First Amended Complaint pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure;

Whereas, on October 15, 2012, this Court granted in part and denied in part the Individual Defendants' motion to dismiss the Consolidated First Amended Complaint;

Whereas, on November 30, 2012, the Individual Defendants (except for Ian Lowitt) filed their answers to the Consolidated First Amended Complaint and Defendant Lowitt filed his answer on December 4, 2012;

Whereas, the parties have now resolved the claims regarding the Individual Defendants. No other party or other person or entity has filed a pleading or action against the Individual Defendants relating to the claims brought by plaintiffs, and defendants have not filed or raised a counterclaim in this action.

Whereas, on January 8, 2014, this Court entered an order granting Defendant Joseph M. Gregory's Unopposed Motion for Entry of Bar and Judgment and Reduction Order;

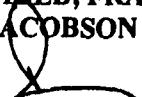
Whereas, on January 10, 2014, this Court granted the parties' Stipulation of Partial Voluntary Dismissal of the Individual Defendants (excluding Defendant Joseph M. Gregory);

Now therefore, pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipulate to dismiss Defendant Joseph M. Gregory from the above titled actions with prejudice and each party is to bear its own costs. Defendant Ernst & Young LLP is not being dismissed by this stipulation.

IT IS SO STIPULATED.

Dated: February 13, 2014

**FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP**

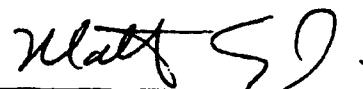
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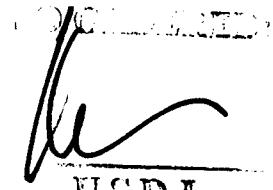
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